

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAVEL LIFCHITS,

Plaintiff,

v.

INTEGON NATIONAL INSURANCE
CO., et al.,

Defendants.

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C.A. No. 18-12637-ADB

ORDER

BURROUGHS, D.J.

On December 26, 2018, *pro se* plaintiff Pavel Lifchits of Framingham, Massachusetts, filed a complaint for damages arising out of an April 9, 2018 car accident with a school bus in Queens, New York. *See* Complaint (“Compl.”), Dkt. No. 1. For relief, plaintiff seeks “compensation” of \$82,500.00. *Id.* at ¶ IV (relief). Specifically, plaintiff seeks \$4,500 for the amount of property damage sustained to his vehicle and \$78,000 for litigation expenses. *Id.*

By Memorandum and Order dated February 5, 2019, plaintiff was advised that his complaint is subject to dismissal for insufficiency of the amount in controversy for diversity jurisdiction. *See* Dkt. No. 6. The Memorandum and Order explained that the Court must be provided with all necessary facts to support a finding that the matter in controversy exceeds \$75,000, exclusive of interest and costs, and that attorneys’ fees generally are not considered a part of the amount in controversy. *Id.*

Now before the Court is plaintiff’s Memorandum in Support. *See* Dkt. No. 7. Plaintiff alleges that he developed a stomach ulcer due to severe stress from the 2018 accident. *Id.* Plaintiff attaches several medical reports to his Memorandum in Support. *See* Dkt. No. 7-1.

Even if these allegations are accepted as true, the plaintiff's Memorandum in Support and medical documents fail to allege that plaintiff incurred medical expenses such that the amount in controversy for this action would exceed \$75,000. Thus, the Court finds that the matter in controversy does not exceed \$75,000, exclusive of interest and costs.

Accordingly, this action is hereby DISMISSED without prejudice pursuant to Fed. R. Civ. P. 12(h)(3) for lack of subject matter jurisdiction.

SO ORDERED.

April 8, 2019

/s/ Allison D. Burroughs
ALLISON D. BURROUGHS
U.S. DISTRICT JUDGE